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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,253	11/27/2001	Michael Stanford Showell	CM2006XM	2504

27752 7590 10/02/2002

THE PROCTER & GAMBLE COMPANY  
INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

19

<b>Office Action Summary</b>	<b>Application No.</b> 09/889,253	<b>Applicant(s)</b> SHOWELL ET AL.	
	<b>Examiner</b> Preeti Kumar	<b>Art Unit</b> 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1-30 are pending. Inclusion of abstract is noted.
2. The objection of claims 7, 8, 19 and 30 is withdrawn in light of applicant's amendment dated July 15, 2002, paper # 8.
3. The rejection of claims 1, 5, 8, 12, 13, 23, 24, and 25 under 35 U.S.C 112 is withdrawn in light of applicant's amendment.
4. The rejection of claims 28 -30 under 35 U.S.C. 101 is withdrawn in light of applicant's amendment.
5. The rejection of claims 1-8, 10-11, 21-24 and 26-30 under 35 U.S.C. 102(b) as being anticipated by Herbots et al. (WO 98/06808) is maintained and further explained below.
6. The rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Herbots et al. (WO 98/06808) in view of Bostick (US 5,334,326) is maintained for the reasons of record, cited in the previous office action.
7. The rejection of claim 25 under 35 U.S.C. 103(a) as being unpatentable over Herbots et al. (WO 98/06808) is maintained for the reasons of record, cited in the previous office action.
8. The rejection of claims 12-20 under 35 U.S.C. 103(a) as being unpatentable over Herbots et al. (WO 98/06808) in view of Miracle et al. (WO 97/10323) is maintained for the reasons of record, cited in the previous office action.

***Response to Arguments***

9. Applicant's arguments filed on July 15, 2002 in paper # 8, have been fully considered but they are not persuasive because contrary to Applicant's arguments, Herbots et al. do specifically teach the specific pectate lyase enzymes as set forth in amended claim 1. The specific pectate lyase as claimed is clearly anticipated by Herbots et al. on page 5. Herbots et al. define that the term "pectin degrading enzyme" is intended to encompass pectin lyase (EC 4.2.2.10) and pectate lyase (EC 4.2.2.2) and other polygalacturonase enzymes. See pg. 5, (last paragraph). The examiners draws Applicant's attention to page 5, last paragraph, where Herbots et al. suggest the use of EC 2.2.2.2, a catalytically active amino acid sequence of an enzyme useful in relation to the cleaning processes. The teachings of Herbots et al. do suggest a detergent composition comprising a pectate lyase which is a polypeptide produced by *Bacillus agaradhaerens*, NCIMB 40482, since it is well within the knowledge of one of ordinary skill in the art that EC 4.2.2.2 is a *Bacillus agaradhaerens* organism, strain NCIMB 40482. Please see PDB Data Summary attached relied upon only to illustrate the state of the art. Hence, Herbots et al. clearly teach a detergent composition comprising a pectate lyase EC 4.2.2.2 which is a polypeptide produced by *Bacillus agaradhaerens*, NCIMB 40482 as recited by the instant claims.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

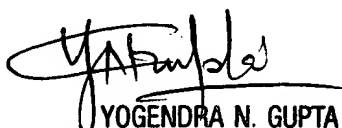
Art Unit: 1751

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 703-305-0178. The examiner can normally be reached on M-F 9:00am - 5:30pm.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



YOGENDRA N. GUPTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

Preeti Kumar  
Examiner  
Art Unit 1751

PK  
September 27, 2002